

REMARKS

By this amendment, claims 1-14, 16-38, and 40-50 are pending, in which claims 15 and 39 have previously been canceled without prejudice or disclaimer, no claims are withdrawn from consideration, claim 47 is currently amended, and no claims are newly presented. No new matter is introduced.

The Office Action mailed July 11, 2007 rejected claim 47 under 35 U.S.C. § 112, second paragraph, claims 1, 2, 4, 7, 16, 22-27, 29, 32, 40, and 46-49 under 35 U.S.C. § 102 (e) as anticipated by *Albert et al.* (US 6,606,316), claims 19-21 and 43-45 as obvious under 35 U.S.C. § 103 based on *Albert et al.* (US 6,606,316), claims 11 and 36 as obvious under 35 U.S.C. § 103 based on *Albert et al.* (US 6,606,316) in view of *Natarajan* (US 6,505,244)¹, claims 3 and 28 as obvious under 35 U.S.C. § 103 based on *Albert et al.* (US 6,606,316) in view of *Amara* (US 6,674,743)², claims 5-10, 12-14, 17, 18, 30, 31, 33-35, 37, 38, 41, and 42 as obvious under 35 U.S.C. § 103 based on *Albert et al.* (US 6,606,316) in view of *Gai* (US 6,167,445), and claim 50 as obvious under 35 U.S.C. § 103 based on *Albert et al.* (US 6,606,316) in view of *Gai* (US 6,167,445), and in further view of *Amara* (US 6,674,743).

REJECTION OF CLAIM 47 UNDER 35 U.S.C. § 112, SECOND PARAGRAPH

Claim 47 has been rejected as having an insufficient antecedent basis for “said plurality of protocol specific state machines” recited in lines 1-2.

¹ While the statement of rejection at page 7 of the Office Action of July 11, 2007, indicates that this rejection is based upon “Alles in view of Natarajan...,” the rationale for the rejection refers only to “Albert” and Natarajan. Accordingly, Appellants presume that the Examiner meant “Albert” in place of “Alles” in the statement of rejection and respond accordingly. If this is not the case, then the Examiner’s rejection would appear to be fatally flawed and a new ground of rejection, if necessary, would need to be entered.

² While the statement of rejection at page 7 of the Office Action of July 11, 2007, indicates that this rejection is based upon “Alles in view of Amara...,” the rationale for the rejection refers only to “Albert” and Amara. Accordingly, Appellants presume that the Examiner meant “Albert” in place of “Alles” in the statement of rejection and respond accordingly. If this is not the case, then the Examiner’s rejection would appear to be fatally flawed and a new ground of rejection, if necessary, would need to be entered.

Claim 47 has now been amended to depend from claim 46, providing the proper antecedent basis for the recited language.

Accordingly, the Examiner is respectfully requested to withdraw the rejection of claim 47 under 35 U.S.C. § 112, second paragraph.

REJECTION UNDER 35 U.S.C. § 102 (e)

Applicants respectfully traverse the Examiner's rejection as no *prima facie* case of anticipation has been established.

With regard to independent claim 1, the Examiner cites column 9, lines 36-48, of *Albert et al.* as a teaching of the claimed “first and second network interfaces through which packets are communicated with a network. This portion of *Albert et al.* states a “service manger interface” and “a separate interface...for the purpose of sending wildcard affinities to forwarding agents...” While the Examiner does not specifically identify the first and second network interfaces in *Albert et al.*, Applicants presume that the Examiner is referring to Network Interface 260 and Service Manager Interface 258 shown in Fig. 2B of the reference.

With that presumption in mind, the Examiner then points to column 16, lines 53-63 of *Albert et al.* for an alleged teaching of “a packet header filter and a forwarding table, wherein the forwarding table is utilized to forward packets between the first and second network interfaces.” However, this portion of *Albert et al.* merely refers to the diagram of Fig. 7, depicting a wildcard affinity. The only mention of a “filter” herein is that the wildcard affinity 700 is used by a service manager “to register **filters** with the forwarding agent(s) that define the range of flows that are of interest to the service manager.” The remainder of the cited portion of *Albert et al.* refers to the parts of the wildcard affinity 700, i.e., “a dispatch flag 702 and an information flag 704,” and

“(protocol 706, source IP address 708, destination IP address 712, source port 716, and destination port 718) plus source netmask 710 and destination netmask 714.”

There is no indication in this portion of *Albert et al.* that a “forwarding table,” if the Examiner is equating this to the wildcard affinity 700, “is utilized to forward packets between the first and second network interfaces,” i.e., between to Network Interface 260 and Service Manager Interface 258, shown in Fig. 2B of the reference. Moreover, there is no indication in at least this portion of the reference, that the “filters” of *Albert et al.* have any relation to a “packet header filter,” as claimed by Applicants. Claim 1 further defines the functions of the claimed packet header filter as identifying “messages received at one of the first and second network interfaces on which policy-based services are to be implemented and passes identified messages via a message interface to an external processor included in said network access system for implementation of the policy-based services by the external processor, wherein said packet header filter passes all other received messages through the packet header filter to an other processor.” The Examiner refers to column 12, line 63 – column 13, line 9, of *Albert et al.* for the claimed identifying “messages received at one of the first and second network interfaces on which policy-based services are to be implemented.” This cited portion of *Albert et al.* refers to Figs 3A-3C and relates to a first packet being sent in both flows of a new connection being forwarded to the service manager by the forwarding agent, the service manager directing the forwarding agent to handle the packets in a certain manner by sending fixed affinities to the forwarding agent for each flow, and specifying actions to be performed on the packets. The indicated portion of *Albert et al.* also gives an example where the action involves “translating the destination IP address from the client to a specific host IP address and translating the source IP address in packets from the host to a virtual IP address...” Since the cited portion of *Albert et al.* says nothing about identifying messages received at one of the first and second network

interfaces on which policy-based services are to be implemented, and the Examiner does not identify how this cited portion of the reference is being read on the claim language, no anticipation, within the meaning of 35 U.S.C. § 102, is established.

Further, the Examiner cites column 7, line 55 – column 8, line 12, and column 6, line 48, of the reference for the claimed “and passes identified messages via a message interface to an external processor included in said network access system for implementation of the policy-based services by the external processor.” However, these cited portions relate to sending a packet to a service manager and obtaining information about each new flow from the forwarding agents. The service manager provides specific instructions to the forwarding agents detailing where packets for each load balanced flow are to be forwarded. The service manager also provides general instructions as to which new flows the service manager is interested in seeing and these general instructions are provided by the wildcard affinities. However, Applicants cannot find, and the Examiner has not identified specifically where, in this cited portion of *Albert et al.* is there a passing of “identified messages via a message interface to an external processor included in said network access system for implementation of the policy-based services by the external processor.”

Still further, the Examiner cites column 12, lines 45-56, and Fig. 3C, of *Albert et al.* as teaching the claimed “wherein said packet header filter passes all other received messages through the packet header filter to an other processor.” Not only do these cited portions of *Albert et al.* indicate nothing about any “filter,” they offer no teaching about passing certain messages in one direction but passing “other” messages through a “packet header filter to an other processor.”

Finally, the Examiner identifies column 18, lines 23-41, of *Albert et al.* as teaching “a control interface through which said packet header filter and said forwarding table are

programmed.” However, reference to that cited portion of *Albert et al.* reveals that there is absolutely no teaching of any such “programming” and the Examiner has not specified exactly what language in that cited portion is alleged to teach programming of a forwarding table and a packet header filter.

Independent claim 26 recites similar limitations and the Examiner has identified the same portions of *Albert et al.* as allegedly teaching the claimed method steps. Thus, for the reasons above, there is no anticipation of independent claims 1 and 26.

Accordingly, since no *prima facie* case of anticipation has been established by the Examiner, the Examiner is respectfully requested to withdraw the rejection of claims 1, 2, 4, 7, 16, 22-27, 29, 32, 40, and 46-49 under 35 U.S.C. § 102 (e).

REJECTIONS UNDER 35 U.S.C. § 103

All of the Examiner’s rejections under 35 U.S.C. § 103 are based in whole or in part on *Albert et al.* The reference lacks a teaching of the specific elements and method steps for the reasons above. Moreover, it would not have been obvious to include the missing elements or steps as the Examiner has established no reason for including such elements and/or steps. Thus, the Examiner should withdraw the rejection of claims 19-21 and 43-45 under 35 U.S.C. § 103 based on *Albert et al.*, alone. Moreover, since neither of *Natarajan*, *Amara* or *Gai* provides for the deficiencies of *Albert et al.*, the rejections of claims 3, 5-11, 12-14, 17, 18, 28, 30, 31, 33-38, 41, and 42 under 35 U.S.C. § 103 should also be withdrawn.

With regard to independent claim 50, *Albert et al.* fails to teach the message interface, policer, packet header filters, marker, and control interface claimed, for the reasons above, and neither *Amara* nor *Gai* provides for these deficiencies. That is, there is no “message interface” and certainly none “coupled to an external processor,” as claimed, at column 9, lines 36-48, of

Albert et al. as alleged by the Examiner. There is no “packet header filter” (and certainly not two of them) coupled to network interfaces and to a message interface at column 16, lines 53-63, of *Albert et al.* as alleged by the Examiner. There is no teaching of a control interface through which a packet header filter and a forwarding table are programmed at column 18, lines 23-41, of *Albert et al.* as alleged by the Examiner. There is no disclosure, at column 10, lines 61-63, and column 13, lines 10-20, of *Albert et al.*, as alleged by the Examiner, of the claimed “policer” for discarding packets determined as nonconforming to a first traffic parameter, and the Examiner has pointed to nothing specific within the cited portions of the reference that would teach or suggest the claimed “policer” or its function. Similarly, there is no teaching in *Albert et al.* of the claimed “marker configured to discard packets determined as nonconforming to a second traffic parameter,” as claimed, and certainly not in the cited portions at column 10, lines 61-63, and column 13, lines 10-20. Accordingly, no *prima facie* case of obviousness has been established, within the meaning of 35 U.S.C. § 103, and a withdrawal of this rejection is respectfully requested.


Given the late stage in prosecution, if the Examiner persists in these rejections based on *Albert et al.*, the Examiner is respectfully requested to be specific as to what, exactly, in the cited portions of the reference, are considered to correspond to the claimed elements and/or steps so that Applicants are apprised of precisely what the Examiner’s reasoning entails and can more fully respond to the Examiner’s rationale.

Therefore, the present application, as amended, overcomes the rejections of record and is in condition for allowance. Favorable consideration is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (703) 519-9952 so that such issues may be resolved as expeditiously as possible.

Respectfully Submitted,

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